



Council of the
European Union

Brussels, 21 February 2017
(OR. en)

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION authorising the opening of negotiations on an agreement between the European Union and the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the territory of the Republic of Serbia

COUNCIL DECISION (EU) 2017/...

of ...

**authorising the opening of negotiations on an agreement between
the European Union and
the Republic of Serbia
on actions carried out by the European Border
and Coast Guard Agency in the territory of the Republic of Serbia**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77 (2) (b) and (d) and Article 79(2)(c) in conjunction with Article 218(3) and (4),

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Negotiations should be opened with a view to concluding an international agreement with the Republic of Serbia on actions carried out by the European Border and Coast Guard Agency in the territory of the Republic of Serbia.
- (2) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC¹; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC²; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

¹ Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

² Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

- (4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the Union, in accordance with Article 54(4) of Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016¹, an international agreement on actions carried out by the European Border and Coast Guard Agency in the territory of the Republic of Serbia.

Article 2

The negotiations shall be conducted on the basis of the negotiating directives are set out in the addendum⁺ to this Decision.

Article 3

The negotiations shall be conducted in consultation with the Working Party on Frontiers of the Council. The European External Action Service should be informed of the progress of negotiations with a view to providing support and advice, as appropriate. The Commission shall be assisted by a representative of the European Border and Coast Guard Agency, acting as technical expert.

¹ Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p. 1).

⁺ Delegations: see document ST 6327/1/17 REV 1.

Article 4

This Decision is addressed to the Commission.

Done at Brussels,

For the Council

The President
